REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 32-53, including independent claims 32, 42, and 51-53, remain in the present application. Claims 1-31 were previously cancelled. Claim 51 has been amended in this paper. The Office Action indicated that claims 52-53 are allowed.

Claim 51 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that claim 51 has been amended herein to correct a typographical error, that amended claim 51 meets the requirements of 35 U.S.C. § 112, and that claim 51 is now allowable.

Claims 32-34, 37-40, 42-44, and 47-49, which include independent claims 32 and 42, were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,184,914 to Jenkins in view of U.S. Patent No. 4,912,948 to Brown, et al. Applicant's independent claim 32 is directed to a method of incorporating a liquid-based composition into a tissue product having a basis weight less than about 120 grams per square meter. The method comprises forming a web from a papermaking furnish that contains cellulosic fibers. Foam formed from the liquid-based composition is applied to the web while the web is at a solids consistency of less than about 95% by weight of the web. Claim 32 further requires that the foam is drawn towards the web with a vacuum slot.

As noted in Applicant's previous response, Jenkins is directed to the use of foam to manufacture sized paper. A protein foaming agent is used to form the foam. The Examiner acknowledged at page 3 of the Office Action that contrary to present independent claims 32 and 42, Jenkins fails to disclose drawing foam towards the web with a vacuum slot.

The secondary reference used in the Office Action to reject independent claims 32 and 42, Brown, et al., describes an apparatus and process for treating a moveable flexible sheet material with a foam. Specifically, in Brown, et al., a fluid applicator applies the foam to a flexible sheet material, and a vacuum guide is provided adjacent to the fluid applicator for holding the flexible sheet material. (Col. 4, lines 11-28). The

purpose of the vacuum guide is to align the flexible sheet with the foam applicator by pulling the sheet against its surface. (Col. 3, lines 27-32). Consequently, through the use of such a vacuum guide, the critical feature of short-dwell treating application is achieved in Brown, et al. Namely, intimate contact between the flexible sheet material and the lips of the fluid applicator is achieved to enable uniform deposition of the fluid treating composition without spillage. (Col. 2, lines 42-48).

Contrary to independent claims 32 and 42, however, the vacuum guide of Brown, et al. does not "draw foam towards the web." The vacuum guide of Brown, et al. only pulls the flexible sheet material into contact with the foam applicator. In fact, Brown, et al. explicitly teaches away from providing its vacuum guide with sufficient force to actually draw foam towards the web. Specifically, Brown, et al. teaches:

> The vacuum guide uses vacuum force to pull a cross-section of flexible sheet material onto the surface of the vacuum guide. This vacuum is typically between about 1 to about 8 psi. The vacuum is preferably *insufficient to pull any liquid or foam substance from or onto the flexible sheet material.*

(Col. 6, line 63 – col. 7, line 1) (emphasis added).

Thus, for at least these reasons, Applicant respectfully submits that independent claims 32 and 42, which require the drawing of foam toward the web with a vacuum slot, patentably define over the combination of Jenkins and Brown, et al. proposed in the Office Action.

Similarly to claim 32, Applicant's independent claim 42 is also directed to a method of incorporating a liquid-based composition into a tissue product having a basis weight less than about 120 grams per square meter. The method of claim 42 further comprises positioning a foam applicator adjacent to a first surface of the web without substantially contacting the first surface of the web. This positioning of the foam applicator "without substantially contacting" the web is explained, for example, in the present specification at page 9, line 19 to page 10, line 1.

Contrary to the step in claim 42 requiring the foam applicator to be positioned without substantially contacting the first surface of the web, all of the embodiments of Brown, et al. require intimate contact between the fluid applicator and the flexible sheet material. For example, at column 3, lines 20-24, Brown, et al. describes how the fluid

applicator's alignment provides contact along the entire width of the applicator lips with a cross section of the flexible sheet material. (See also col. 3, lines 52-66, col. 5, lines 14-20; col. 7, lines 4-10; and claim 1). Additionally, in Fig. 2, Brown, et al. shows foam applicator A_2 being contacted by the flexible sheet material P_2 at both its upstream lip 20 and its downstream lip 30. Thus, again, Applicant respectfully submits that independent claim 42 patentably defines over the combination of Jenkins and Brown, et al. because of the limitation in claim 42 requiring the foam applicator to be positioned without substantially contacting the first surface of the web.

Claims 35-36 and 45-46 were objected to as being dependent upon a rejected base claim, and the Office Action indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that independent claims 32 and 42 are allowable for at least the reasons described in detail above. Therefore, Applicant has not rewritten claims 35-36 and 45-46 into independent claims.

Various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins in view of Brown, et al. Additionally, claims 41 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins in view of Brown, et al. and further in view of U.S. Patent No. 6,511,579 to Edwards, et al. Applicant respectfully submits, however, that at least for the reasons indicated above relating to corresponding independent claims 32 and 42, claims 33-41 and 43-50 patentably define over the references cited in the Office Action. However, Applicant also notes that the patentability of dependent claims 33-41 and 43-50 does not necessarily hinge on the patentability of independent claims 32 and 42. In particular, it is believed that some or all of these dependent claims may possess features that are independently patentable, regardless of the patentability of claims 32 and 42.

In summary, Applicant respectfully submits that the present claims patentably define over all of the prior art of record for at least the reasons set forth above. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this Amendment, Examiner Halpern is invited and encouraged to telephone the undersigned. Otherwise, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,
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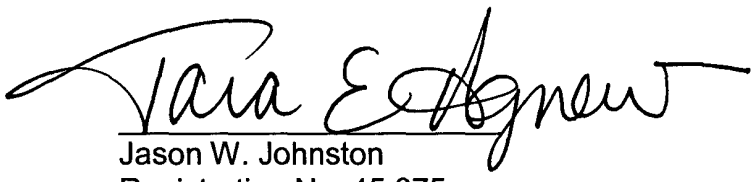

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